IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2178 OF 2005
WITH
CRIMINAL APPLICATION NO.2254 OF 2005
WITH
CRIMINAL APPLICATION NO.2255 OF 2005
WITH
CRIMINAL APPLICATION NO.2256 OF 2005
WITH
CRIMINAL APPLICATION NO.2257 OF 2005
WITH
CRIMINAL APPLICATION NO.2258 OF 2005
WITH
CRIMINAL APPLICATION NO.2259 OF 2005
WITH
CRIMINAL APPLICATION NO.2260 OF 2005
WITH
CRIMINAL APPLICATION NO.2261 OF 2005
WITH
CRIMINAL APPLICATION NO.2262 OF 2005
WITH
CRIMINAL APPLICATION NO.2263 OF 2005

Mrs.Charu Bharat Kansara ..Applicant

Vs.

Suresh C.Shah & Anr. ..Respondents

...

Mr. P.C.Kansara Advocate for Applicant
Mr. Prakash Naik i/b Mr.Subodh Desai
for Respondent no.1
Mr. M.S.Mhambary, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 18,2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent no.1 and the learned A.P.P. for the State in all the matters.

2. The applicant is seeking quashing of process issued by the learned M.M. 15th Court, Mazagaon, Mumbai in C.C.Nos.1250/S/2003, 1237/S/2003, 1238/S/2003, 1229/S/2003, 1240/S/2003, 1241/S/2003, 1243/S/2003, 1231/S/2003, 1239/S/2003, 1244/S/2003 and 1396/S/2003. In the said cases process is issued under Section 138 of Negotiable Instruments Act.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing

process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondents on instructions, makes statement that no objection will be raised in respect of delay in filing revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]